

**Custom Report Excerpts**

# Philippines

## Section 6. Discrimination, Societal Abuses, and Trafficking in Persons

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### Women

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**Rape and Domestic Violence:** Rape, including spousal rape, is illegal, with penalties ranging from 12 to 40 years' imprisonment with pardon or parole possible only after 30 years' imprisonment. Conviction can also result in a lifetime ban from political office. Penalties for forcible sexual assault range from six to 12 years' imprisonment. As of July, 5,973 cases of rape were reported to the PNP, significantly more than in the same period in 2015. National statistics on prosecutions, convictions, and punishments were unavailable, but BuCor reported that it held 9,362 prisoners convicted of rape, 487 of whom it admitted as of August.

There continued to be reports of rape and sexual abuse of women in police or protective custody. Women from marginalized groups, such as suspected prostitutes, drug users, and indigent individuals arrested for minor crimes, were more likely to be victims of sexual violence.

The Department of Social welfare and Development (DSWD) provided shelter, counseling, and health services to female survivors of rape.

Domestic violence against women remained a serious and widespread problem. The law criminalizes physical, sexual, and psychological harm or abuse to women and children committed by their spouses, partners, or parents. As of July, the PNP reported 16,007 cases of domestic violence against women and children. Statistics were unavailable on prosecutions, convictions, and punishments for cases filed by the PNP during the year.

As of June, the DSWD extended assistance to 232 survivors of physical abuse and mistreatment, a small fraction of incidents reported to the police, which were themselves likely to be only a fraction of total incidents. NGOs noted that, in smaller localities, perpetrators of abuse sometimes used personal relationships with local authorities to avoid prosecution.

The PNP and DSWD both maintained help desks to assist survivors of violence against women and encourage reporting. With the assistance of NGOs, the CHR, and the Philippine Commission on Women, law enforcement officers continued to receive gender-sensitivity training to deal with victims of sexual crimes and domestic violence. The PNP maintained a women and children's unit with 1,918 desks throughout the country to deal with abuse cases.

**Sexual Harassment:** The law prohibits sexual harassment, and violations are punishable by imprisonment of not less than one month and not more than six months, and/or a fine of not less than 10,000 PHP (\$213) and not more than 20,000 PHP (\$426). Sexual harassment remained widespread and under-reported, including in the workplace, due to victims' fear of losing their jobs. For example, women in the retail industry worked on three- to six-month contracts and were often reluctant to report sexual harassment for fear their contracts would not be renewed.

**Reproductive Rights:** The Supreme Court has ruled that the constitution upholds the basic right of couples and individuals to decide freely the number, spacing, and timing of their children; to manage their reproductive health; and to have the information

and means to do so free from discrimination, coercion, and violence.

According to the December 2015 *Human Development Report*, the maternal mortality rate reportedly was 120 per 100,000 live births, and skilled attendants participated in 62 percent of births. The UN Development Program (UNDP) attributed the high rate of maternal deaths to inadequate access to integrated reproductive health services by women. The UN Population Fund (UNFPA) reported that poverty, remote locations, and a lack of education exacerbated delays in seeking potentially life-saving maternal medical care. Midwives at times had little formal training. Medical personnel also routinely mistreated and denied proper care to women who sought assistance for complications from unsafe abortions.

Provision of health care services is the responsibility of local governments, and restrictions on the provision of family planning supplies at government-run health facilities in some localities reduced their availability to the poor, although modern forms of contraception were available on the market in most areas. During the year local NGOs also reported the government was not committed to providing education and information on modern methods of contraception.

As amended by a Supreme Court ruling in 2014, the 2012 Responsible Parenthood and Reproductive Health Act (RH law) allows health practitioners to deny reproductive health services based on personal or religious beliefs in nonemergency situations; requires spousal consent for women in nonlife-threatening situations to obtain reproductive health care; requires minors in nonlife-threatening situations to get parental consent before obtaining reproductive health care; and does not require private health-care facilities to provide access to family planning methods. Many NGOs, including the Center for Reproductive Rights, asserted that these restrictions prevented the full implementation of the law.

On April 8, the CHR launched a national inquiry into reproductive health and rights amid reports of local government units denying women access to reproductive health services. In Sorsogon City, for example, the mayor signed a pro-life executive order, which resulted in the withdrawal of contraceptives from health centers.

In September the Supreme Court sustained its June 2015 temporary restraining order preventing the Department of Health (DOH) from procuring, selling, distributing, dispensing or administering, advertising, or promoting specific hormonal contraceptives. The same decision also prevents the Food and Drug Administration from granting any pending application for registration and/or recertification of reproductive products and supplies, including contraceptive drugs and devices. The decision came in a case filed against the department for allegedly failing to abide by the RH law's implementing guidelines. The decision blocks the inclusion of contraceptive implants in government reproductive health programs.

President Duterte has said that supporting family planning is a key element of poverty alleviation. The 2017 federal budget signed into law in December included 4.3 billion PHP (\$91.6 million) allocated to the DOH for the implementation of the RH law, an almost two-fold increase over the 2.2 billion PHP (\$46.9 million) allocated in the current budget.

Discrimination: In law, but not always in practice, women have most of the rights and protections accorded to men and the law seeks to eliminate discrimination against women. The law accords women the same property rights as men. In Muslim and indigenous communities, however, property ownership law or tradition grant men more property rights than women.

In May a CHR resolution found the words (including a joke during the presidential campaign about the rape and murder of an Australian national) and actions of then-president-elect Duterte to be in violation of the law because they amounted to violence against women. In accordance with the law, the CHR called on the Civil Service Commission and the Department of Interior and Local Governance to recommend appropriate sanctions.

No law mandates nondiscrimination based on gender in hiring, although the law does prohibit discrimination in employment on the basis of sex. Nonetheless, women continued to face discrimination on the job as well as in hiring (see section 7.d.).

The Philippines does not allow divorce. Legal annulments are possible and courts generally recognized foreign divorces if one of the parties was a foreigner. These options, however, are costly, complex, and not readily available to the poor. The Office of the Solicitor General is required to oppose requests for annulment under the constitution. Muslims have the right to divorce under Muslim family law. Informal separation is common, but brings with it potential legal problems.